
NEWS RELEASE

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Time-Share Registration Revocation

RICHMOND – The Common Interest Community Board revoked one time-share registration at its most recent meeting Thursday, June 9, 2011.

Following is a summary of the Board's action. A copy of the Final Order is attached.

ALEXANDER PROPERTIES INC

CREEKSIDE VILLAGE TIME SHARE

File Number 2010-04291

VIOLATIONS – Alexander Properties failed to comply with the terms of a Cease and Desist Order.

BOARD ACTION – Revocation of Time-Share Registration No. 0515960001.

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About the Common Interest Community Board:

The Virginia Department of Professional and Occupational Regulation (DPOR) administers and enforces laws regulating nearly 40 commercial occupations and certain professions. The agency licenses or certifies more than 300,000 individuals and businesses ranging from architects and contractors to cosmetologists and professional wrestlers.

The 11-member Common Interest Community Board, established by the General Assembly in 2008, licenses businesses providing management services to Property Owners' Associations, Condominium Associations and Cooperative Associations. The Board also regulates such associations, including time-shares.

For more information, visit DPOR online at www.dpor.virginia.gov.

**IN THE
COMMONWEALTH OF VIRGINIA
COMMON INTEREST COMMUNITY BOARD**

Re: Alexander Properties, Inc
Creekside Village Time Share
Shenandoah County, VA 22810

File Number 2010-04291
Registration Number 0515960001

FINAL OPINION AND ORDER

On May 2, 2011, the Summary of the Informal Fact-Finding Conference ("the Summary") and notification of the Common Interest Community Board ("the Board") June 9, 2011 meeting was mailed, via certified mail, to Alexander Properties, Inc. ("Alexander Properties, Inc."), d/b/a Creekside Village Time Share, at the address of record. The certified mail was received.

In addition, the Summary was mailed, via United Parcel Service ("UPS"), to 1518 Orkney Grade, Basye, Virginia 22810. The mail was delivered.

Further, the Summary was mailed, via UPS, to 2742 Fairway Drive, Basye, Virginia 22810. The mail was delivered.

On June 9, 2011, the Board met and reviewed the record, which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference ("IFF"), and the Summary. Wayne Alexander, on behalf of Alexander Properties, Inc. did appear at the Board meeting.

The Board adopts the Referral Memorandum, which contains the facts regarding the regulatory and/or statutory issues in this matter, and adopts the Summary. The Referral Memorandum and Summary are incorporated as part of this Order.

The Board finds substantial evidence that Alexander Properties, Inc. willfully failed to comply with the terms of the Cease and Desist Order by the deadline of December 31, 2010, constituting a breach of the Order pursuant to § 55-396 F of the Code of Virginia.

The Board imposes the following sanction(s):

Revocation of Alexander Properties, Inc's., the developer's time-share program, Creekside Village Time Share, registration number 0515 960001.

AS PROVIDED BY RULE 2A:2 OF THE SUPREME COURT OF VIRGINIA, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF SERVICE (I.E. THE DATE YOU ACTUALLY RECEIVED THIS DECISION OR THE DATE THE DECISION WAS MAILED TO YOU, WHICHEVER OCCURRED FIRST) WITHIN WHICH TO APPEAL THIS DECISION BY FILING A NOTICE OF APPEAL, SIGNED BY EITHER YOU OR YOUR COUNSEL, WITH GORDON N. DIXON, SECRETARY OF THE COMMON INTEREST COMMUNITY BOARD. IN THE EVENT THAT THE DECISION WAS SERVED ON YOU BY MAIL, THREE (3) DAYS SHALL BE ADDED TO THE THIRTY (30) DAY PERIOD.

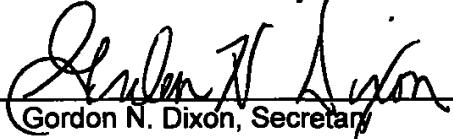
IF A PETITION FOR APPEAL IS FILED WITH THE CLERK OF THE CIRCUIT COURT, AS PROVIDED BY RULE 2A:4 OF THE SUPREME COURT OF VIRGINIA, THEN THE AUTOMATIC SUSPENSION OF YOUR LICENSE FOR FAILURE TO PAY THE TOTAL ASSESSED MONETARY PENALTY WILL BE STAYED PROVIDED THE FOLLOWING INFORMATION IS RECEIVED BY GORDON N. DIXON, SECRETARY OF THE COMMON INTEREST COMMUNITY BOARD:

1. A SIGNED COPY OF THE NOTICE OF APPEAL; AND
2. A COPY OF THE SURETY AGREEMENT OR A COPY OF THE RECEIPT FROM THE CLERK OF THE CIRCUIT COURT WHERE THE APPEAL HAS BEEN FILED INDICATING THAT A BOND HAS BEEN POSTED OR CASH PAID INTO THE COURT IN THE AMOUNT OF THE TOTAL MONETARY PENALTY ASSESSED IN THE FINAL ORDER.

SO ORDERED:

Entered this 9th day of June, 2011.

Common Interest Community Board

BY: 
Gordon N. Dixon, Secretary

**IN THE
COMMONWEALTH OF VIRGINIA
COMMON INTEREST COMMUNITY BOARD**

Re: Alexander Properties, Inc., d/b/a Creekside Village Time Share

File Number: 2010-04291
Registration Number: 0515960001

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On March 10, 2011, the Notice of Informal Fact-Finding Conference ("Notice") was sent by certified mail to Alexander Properties, Inc. ("API"), d/b/a Creekside Village Time Share at the address of record. The Notice was also sent by United Parcel Service ("UPS"), and by hand delivery, to API at 393 Bird Haven Way, Basye, Virginia 22810 ("Bird Haven Way") and 2742 Fairway Drive, Basye, Virginia 22810 ("Fairway Drive"). The Notices were delivered.

The Notices included the Referral Memorandum, which contained the facts regarding the regulatory and/or statutory issues in this matter.

On April 13, 2011, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Jay M Fulk ("Fulk"), on behalf of API, Respondent; Doug Schroder and Joseph Haughwout, Staff Members; and Ann-Marie Brigil, Presiding Officer.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the information outlined in the Referral Memorandum:

In July 2010, the Board met to conduct a formal hearing regarding API's Time-Share Registration. During the Board meeting, API and the Board entered into a consent order, in lieu of conducting the formal hearing, resulting in the issuance of a Cease and Desist Order.¹

The Cease and Desist Order required API to take certain affirmative actions and submit evidence of their completion to the Board by December 31, 2010. The Cease and

¹ API admitted to several violations of the Virginia Time-Share Act and the Board's regulations. API agreed to pay specified monetary penalties and Board costs. API did not pay the monetary penalties and Board costs as it agreed to in the consent order. In January 2011, API's timeshare registration was suspended by the Board.


Desist Order specified that, "Failure to comply with any terms of the Cease and Desist Order shall constitute a breach of this order pursuant to § 55-396.F of the Code of Virginia."

During the IFF, Fulk provided copies of deeds he claims have been recorded since the Board's Order of July 2010. Further, Fulk offered an explanation for why API has not fulfilled its obligations required by the Cease and Desist Order and he admitted API has failed to comply with all terms of that Order.

Based on the information contained in the Agency Record, API failed to submit to the Board any document or other evidence demonstrating that API completed, or attempted to complete, any of the affirmative actions in accordance with the Board's Cease and Desist Order.

Based on Fulk's statements at the IFF, I find he willfully and intentionally entered into the Consent Order knowing API could not comply with the terms of the Cease and Desist Order.

Based on the information in the record, it is clear API failed to comply with the terms of the Cease and Desist Order by the deadline of December 31, 2010.

By: 
Ann-Marie Brigil
Presiding Officer

Common Interest Community Board

Date: 4-20-2011



Licensing and Regulation Division

Referral Memorandum

To: Doug Schroder, Director of Adjudication
Compliance and Investigations Division

From: Trisha L. Henshaw, Executive Director
Common Interest Community Board

Date: February 14, 2011

Re: **Failure to Comply with Cease and Desist Order entered by the
Common Interest Community Board
Alexander Properties, Inc.
Registration Number 0515960001
File Number 2010-04291**

BACKGROUND FOR COMPLAINT:

On July 9, 2010, the Common Interest Community Board (Board) met to convene a Formal Hearing in the matter of Alexander Properties, Inc. (API) d/b/a Creekside Village Time-Share, File Number 2010-04291 (see Exhibit 1). Jay M. Fulk (Fulk), registered agent, Secretary/Treasurer, and General Manager for API, was present on behalf of API. During the meeting, API offered to resolve the matter through a Consent Order. After consideration of the investigative file, the Board offered, and API accepted, a Consent Order (see Exhibit 2).

Based on the information contained herein, please conduct an Informal Fact-Finding Conference pursuant to the Virginia Administrative Process Act (§ 2.2-4000 et seq.) to determine if API has failed to comply with Virginia Code § 55-396(F).

Virginia Code § 55-396 states, in part:

F. The Board, after notice and hearing, may issue an order revoking the registration of the developer's time-share program upon determination that such developer or agent thereof has failed to comply with a cease and desist order issued by the Board affecting the developer's time-share program.

BASIS FOR VIOLATION:

The Consent Order included the following terms:

Count 1	§ 55-394.1 – 3 violations at \$1,000 per violation	\$3,000
Count 2	§ 55-386	\$2,000
Count 3	§ 55-386(A)	\$2,000
Count 4	18 VAC 48-40-100	\$2,000
Count 5	§ 55-394.1(C)	\$2,000
Count 6	§ 55-376.2	\$2,000
Count 8	18 VAC 48-40-60 – 2 violations at \$2,000 per violation	\$4,000
SUB-TOTAL (MONETARY PENALTIES)		\$17,000
BOARD COSTS		\$650
TOTAL		\$17,650

Further, API agreed to the following additional requirements:

1. To comply with the terms of the Cease and Desist Order, which was incorporated by reference into the Consent Order.
2. The Consent Order shall be docketed as a judgment in Shenandoah County Circuit Court.
3. For Fulk, on behalf of API, to make a statement under oath that he has not, to the best of his knowledge, made any untruthful or intentionally misleading statement to the Board or its agents in any proceeding in connection with this matter.

In accordance with the Consent Order, all monetary penalties, costs, and/or sanctions were to be paid/performed within 60 days of the entry of the Consent Order, unless otherwise specifically noted.

On July 9, 2010, a copy of the Consent Order and Cease and Desist Order was provided to API at the conclusion of the Board's meeting. On July 13, 2010, a second copy of the Consent Order and Cease and Desist Order was sent to API by United Parcel Service (UPS) and was received (see Exhibit 3). On September 13, 2010, another copy of the Consent Order and Cease and Desist Order was sent to API by UPS and was received (see Exhibit 4).

The monetary penalties have not been paid as of the date of this memorandum. On January 12, 2011, API was notified by letter that its timeshare registration, number 96-0001 in the name of Creekside Village Time Share, was suspended for non-compliance with the Consent Order. The letter was sent to API by UPS and was received (see Exhibit 5).

Requirements Two and Three of the Consent Order have been satisfied. On August 10, 2010, counsel for the Board satisfied Requirement Number Two (see Exhibit 6). On July 9, 2010, Fulk satisfied Requirement Number Three (see Exhibit 1).

The Cease and Desist Order required that API cease offering or disposing of any interest in any time-share program, either through initial sale or resale of a time-share, owned or controlled by API or any affiliate thereof, until API complied with the affirmative actions stated therein.

Further, the Cease and Desist Order specified the following:

The affirmative actions required by this Order shall be completed and submitted for review by the Board by December 31, 2010. All information submitted in accordance with this Order is subject to approval by the Board.

FAILURE TO COMPLY WITH ANY TERMS OF THE CEASE AND DESIST ORDER SHALL CONSTITUTE A BREACH OF THIS ORDER PURSUANT TO § 55-396.F OF THE CODE OF VIRGINIA.

API has failed to submit to the Board for review any evidence demonstrating it has completed the affirmative actions as ordered by the Board.

EXHIBIT LIST

- Exhibit 1 – July 9, 2010 Board Meeting Minutes
- Exhibit 2 – July 9, 2010 Consent Order and incorporated Cease and Desist Order
- Exhibit 3 – July 13, 2010 Board letter to API
- Exhibit 4 – September 13, 2010 Board letter to API
- Exhibit 5 – January 12, 2011 Board letter to API
- Exhibit 6 – August 10, 2010 Board Counsel letter to Shenandoah County Circuit Court